

1
2
3 **UNITED STATES DISTRICT COURT**4 **DISTRICT OF NEVADA**

5 James Ray Walker,

Case No.: 2:15-cv-01240-RFB-EJY

6 Petitioner

ORDER

7 v.

8 William Gittere, et al.,

9 Respondents
10

11 Two motions are pending before the Court. First, respondents move to waive compliance
12 with LSR 3-3 as it pertains to respondents' index of exhibits in support of their motion to dismiss
13 (ECF No. 135) in this death penalty case. ECF No. 124. LSR 3-3(c) encourages parties to a habeas
14 action to avoid filing duplicate exhibits. With their motion, respondents provide good cause for
15 allowing them to file the full state court record even though numerous exhibits contained in that
16 record have already been filed in this case. Thus, the motion will be granted.

17 Second, petitioner moves to extend time to file his response to the respondents' motion to
18 dismiss. ECF No. 139. The Court previously warned petitioner that no further extensions would
19 be granted absent a showing of extraordinary circumstances. See ECF No. 138. In response to that
20 warning, petitioner's counsel has provided a detailed declaration recounting numerous conflicting
21 deadlines and unexpected attenuating circumstances that he has dealt with since requesting his last
22 extension. ECF No. 139 at 3-5. Counsel also states that this his "final" request for an extension
23 and that opposing counsel does not oppose the request. Id. at 3. Based on the representations in

1 counsel's declaration, the Court will allow a final extension.

2 **IT IS THEREFORE ORDERED** that respondents' motion to waive compliance with
3 LSR 3-3 (ECF No. 124) is **GRANTED** *nunc pro tunc* as of June 23, 2023.

4 **IT IS FURTHER ORDERED** that petitioner's motion to extend time to file his response
5 to the respondents' motion to dismiss (ECF No. 139) is **GRANTED**. The response is due **March**
6 **21, 2024**.

7
8 **Dated:** March 11, 2024

9
10 
11 **RICHARD F. BOULWARE, II**
12 **UNITED STATES DISTRICT JUDGE**
13
14
15
16
17
18
19
20
21
22
23